



## UNITED STATES PATENT AND TRADEMARK OFFICE

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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

January 18, 2005

NIKOLAI & MERSEREAU, P.A.  
900 SECOND AVENUE SOUTH  
SUITE 820  
MINNEAPOLIS, MN 55402  
US

Dear Sir/Madam,

Your refund request for 10757339 in the amount of \$385.00 has been denied .

Small entity status fee not refundable. The time has expired for the refund of this fee. A refund based on establishment of small entity status may only be obtained if a verified statement under 37 CFR 1.27 and a request for the refund of excess amount are filed within three months of timely payment of the full fee (37 CFR 1.28).

Sincerely,

ELEANOR KURTZ  
Technical Center Others  
703 308-3642



DEP & REC  
DIVISION 307

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/757,339 : Confirmation No. 3486  
Applicant : Lee McDonald  
Filed : January 14, 2004  
TC/A.U. : 3761  
Title : OXYGEN DIFFUSER SUPPORT  
  
Our Docket No. : 20040012.ORI  
Customer No. : 23595

Mail Stop Non-Fee Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

APPLICATION FOR REFUND AND CHANGE OF INVENTOR STATUS

Sir:

The applicant filed the above-entitled patent application as a large entity, which was in error. The applicant is, in fact, a small entity.

The applicant hereby claims small entity status under 37 C.F.R. § 1.27(2) as a small business concern.

Please refund one half of the application fee (\$385.00) by check to Nikolai & Mersereau, P.A.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.

*Steven E. Kahm*

Steven E. Kahm

Registration No. 30,860

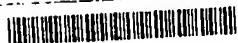
900 Second Avenue South, Suite 820

Minneapolis, MN 55402-3325

Telephone: 612-339-7461

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November 3, 2004



11-08-2004

U.S. Patent & TMO/TM Mail Rpt Dt. #77

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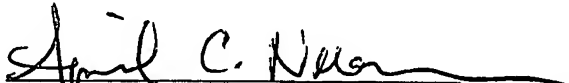


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### CERTIFICATE OF MAILING

I hereby certify that the foregoing Application for Refund and Change of Inventor Status, in application Serial No. 10/757,339, filed on January 14, 2004, of Lee McDonald entitled "OXYGEN DIFFUSER SUPPORT" is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, postage prepaid, on August 10, 2004.

Date of Signature: November 3, 2004.

  
April C. Nelson  
On Behalf of Steven E. Kahm  
Attorney for Applicant(s)

2004 NOV 22 11 12:30

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